

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DAWN DENISE HILL,

Plaintiff,

Case No. 17-cv-10089

v.

Honorable Thomas L. Ludington

SOCIAL SECURITY, COMMISSIONER OF,

Magistrate Judge Stephanie Davis

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING
COMMISSIONER'S MOTION FOR SUMMARY JUDGMENT, DENYING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT, AND AFFIRMING THE FINDINGS OF THE
COMMISSIONER**

Plaintiff Dawn Denise Hill filed an application for disability insurance benefits under the Social Security Act on March 6, 2013. Her application was denied, and Hill sought an administrative hearing. Her first ALJ hearing occurred on November 12, 2014. After the hearing, the ALJ issued a written, unfavorable decision. Hill appealed to the Appeals Council, which reversed and remanded on March 8, 2016. After the second hearing, the ALJ once again found that Hill was not disabled under the Act. The Appeals Council denied her second request for review on December 9, 2016. On January 11, 2017, Hill filed a complaint seeking judicial review of the Commissioner's final decision. ECF No. 1.

The case was referred to Magistrate Judge Stephanie Dawkins Davis. ECF No. 3. Both parties have since filed cross-motions for summary judgment. ECF Nos. 14, 16. On February 27, 2018, Judge Davis issued a report recommending that Hill's motion for summary judgment be denied, the Commissioner's motion for summary judgment be granted, and Commissioner's

decision be affirmed. ECF No. 17. Judge Davis found that the ALJ properly considered and weighed the medical evidence in the record and further found no compelling reason to disturb the ALJ's credibility determination.

Although the Magistrate Judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, neither Plaintiff nor Defendant filed any objections. The election not to file objections to the Magistrate Judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the Magistrate Judge's report and recommendation, ECF No. 17, is **ADOPTED**.

It is further **ORDERED** that Defendant Commissioner's motion for summary judgment, ECF No. 16, is **GRANTED**.

It is further **ORDERED** that Plaintiff Hill's motion for summary judgment, ECF No. 14, is **DENIED**.

It is further **ORDERED** that the Commissioner of Social Security's decision is **AFFIRMED**.

Dated: March 19, 2018

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 19, 2018. <u>s/Kelly Winslow</u> KELLY WINSLOW, Case Manager
